

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY R. THOMPSON,)
Plaintiff,)
) C.A. No. 19-274 Erie
)
v.)
) District Judge Susan Paradise Baxter
PENNSYLVANIA DEPARTMENT OF) Magistrate Judge Richard A. Lanzillo
CORRECTIONS, et al.,)
Defendants.)

MEMORANDUM ORDER

This action was removed to this Court from the Court of Common Pleas of Forest County, Pennsylvania, pursuant to a Notice of Removal filed by Defendants on September 23, 2019.

On October 18, 2019, Plaintiff filed a motion for temporary restraining order [ECF No. 10] seeking an Order directing Defendants to reinstate his “constitutional right to continue purchasing tobacco products through the institutional Commissary” and to prevent Defendants from punishing him if he is found to be in possession of tobacco products.

This case was subsequently reassigned to the undersigned, as presiding judge, and was referred to United States Magistrate Judge Richard A. Lanzillo for all pretrial matters.

On November 7, 2019, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for temporary restraining order be denied because Plaintiff cannot show a likelihood of success on the merits [ECF No. 16]. Plaintiff has since filed timely objections to the R&R that fail to raise any grounds to overcome the deficiencies recognized by the Magistrate Judge. [ECF No. 21].

After *de novo* review of the motion and relevant documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 12th day of December, 2019;

IT IS HEREBY ORDERED that Plaintiff's motion for temporary restraining order [ECF No. 10], is DENIED. The report and recommendation of Magistrate Judge Lanzillo, issued November 7, 2019 [ECF No. 16], is adopted as the opinion of the court.



SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge